

September 24, 2015

VIA FEDERAL EXPRESS

Los Angeles County Board of Supervisors
Sachi A. Hamai, Chief Executive Officer
Attn: Agenda
500 W. Temple Street, Room 383
Los Angeles, California 90012

ADOPTEDBOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

31 November 3, 2015


PATRICK OZAWA
ACTING EXECUTIVE OFFICER

Re: New Request that Los Angeles County Conduct Elections on Behalf of the Santa Clarita Community College District in November of Even-Numbered Years, Without Cumulative Voting

Dear Ms. Hamai:

On behalf of the Board of Trustees of the Santa Clarita Community College District ("District" or "SCCCD"), I hereby submit to the Los Angeles County Board of Supervisors, Resolution No. 2015/16-07 of the SCCC Board, which does the following key things:

1. withdraws the District's prior approval of cumulative voting;
2. initiates the process, pursuant to Education Code § 72036, to move to trustee area elections; and
3. requests that the County Board of Supervisors permit consolidation of the District's election with the statewide general election in November 2016, *without cumulative voting*, in light of the Board of Supervisors's adoption of new Board Policy No. 3.170 on September 1, 2015.

Reasons for the Request

As you no doubt recall from our prior application earlier this year, the District agreed to a stipulated judgment in 2014, as part of the settlement of a case brought against it under the California Voting Rights Act, *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, No. BC512736.

By that stipulated judgment, the Board agreed to: (1) change its election date from November of odd-numbered years to November of even-numbered years, to coincide with the statewide general election; (2) implement cumulative voting, in which a voter may cast as many votes as there are open seats, just like traditional voting, but can choose to cast multiple votes for a single candidate; and (3) repeal its numbered-post system pursuant to Education Code § 5015.7—a step necessary to implement cumulative voting. The Board of Trustees adopted resolutions to this end on February 25, 2015.

The stipulated judgment provided for the District to seek the County's agreement to continue running the District's elections if the County could do so in accordance with the foregoing agreed terms. However, it also committed the District to conducting its own independent, concurrent elections (as many cities, including the City of Santa Clarita, already do), in the event the County declined to do so.

The Board of Supervisors rejected a request for consolidation by the District in April 2015. We have been informed, however, that if cumulative voting were not a part of the proposal, the County would be able to accommodate the District's request. This is in accordance with the Board of Supervisors' vote on September 1 to change the County's policy regarding consolidation of local elections in November of even-numbered years.

Over the past few months, a number of new developments have called into question the feasibility of conducting a cumulative voting election.¹ Moreover, Los Angeles County Registrar-Recorder/County Clerk Dean Logan has expressed concerns about the possible confusion that can

¹ On September 1, 2015, the Secretary of State's office sent a letter to Judge Terry A. Green of the Los Angeles Superior Court, who is presiding over a parallel CVRA case against the City of Santa Clarita, expressing the view that the use of any voting machine for cumulative voting would require certification from the Secretary's office, but that certification could not be given due to the lack of statutory authority for cumulative voting. Prior to that date, the Secretary had declined to express an opinion that issue for more than a year. On September 14, 2015, Judge Green then reversed his 2014 ruling in the City of Santa Clarita case, which held that cumulative voting is a permissible remedy in a CVRA case. Judge Green specifically noted that he believed his prior ruling was erroneous.

Los Angeles County Board of Supervisors
Sachi A. Hamai, Chief Executive Officer
September 24, 2015
Page 3 of 3

flow from the conduct of concurrent elections—concerns that the District also shares.

In light of the new information received, and in light of the fact that the stipulated judgment only commits the District to the use of cumulative voting “unless and until SCCCDC adopts ‘by-trustee area’ elections...” (Stipulated Judgment ¶ 1), the Board has resolved to move to trustee area elections. And in light of Mr. Logan’s concerns and the County’s new policy, the Board has further resolved to again seek the Board of Supervisors approval for consolidation.

I, and members of our Board and District administration, would also welcome the opportunity to provide additional information or speak with you about this request.

Sincerely,



Chris Skinnell
Special Counsel
Santa Clarita Community College
District

cc: Hilda L. Solis, Supervisor, 1st District
Mark Ridley-Thomas, Supervisor, 2nd District
Sheila Kuehl, Supervisor, 3rd District
Don Knabe, Supervisor, 4th District
Michael D. Antonovich, Supervisor, 5th District
Arturo Delgado, Ed.D., Los Angeles Co. Superintendent of Schools
Dean Logan, Los Angeles County Registrar-Recorder/County Clerk
Vicki Kozikoujekian, Deputy County Counsel
Dr. Dianne Van Hook, Chancellor, Santa Clarita Cmty. College District

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA CLARITA
COMMUNITY COLLEGE DISTRICT, INITIATING A PROPOSAL TO ADOPT
BY-TRUSTEE AREA ELECTIONS FOR SANTA CLARITA COMMUNITY
COLLEGE DISTRICT BOARD-MEMBERS; RENEWING THE DISTRICT'S
REQUEST FOR THE COUNTY OF LOS ANGELES TO CONSOLIDATE
DISTRICT ELECTIONS; REPEALING CUMULATIVE VOTING,
CONTINGENT ON APPROVAL OF TRUSTEE AREA ELECTIONS; AND
WITHDRAWING WAIVER APPLICATION, CONTINGENT ON APPROVAL
OF TRUSTEE AREA ELECTIONS**

RESOLUTION NO. 2015/16 - 07

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District ("Santa Clarita CCD" or "District") are currently elected in "at-large" elections, *i.e.*, elections in which "each member of the governing board [is] elected by the registered voters of the entire district . . .," Cal. Educ. Code § 5030(a); and

WHEREAS, at-large electoral systems such as the District's are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025–14032 of the California Elections Code ("CVRA"); and

WHEREAS, in 2013 the District was sued in the Los Angeles County Superior Court under the CVRA, by plaintiffs seeking to have the District "implement district-based elections, as defined by the California Voting Rights Act of 2001" (*Soliz v. Santa Clarita Community College District*, Case No. BC512736); and

WHEREAS, in August 2014, the District stipulated, pursuant to a settlement, to the entry of a judgment that retained the existing at-large system, except for requiring the repeal of the District's previous "numbered post" system, but which committed the District to implementing cumulative voting for future elections "unless and until SCCCCD adopts 'by-trustee area' elections..." (Stipulated Judgment ¶ 1); and

WHEREAS, the stipulated judgment committed the District to considering trustee areas in 2021, following release of next Census (Stipulated Judgment ¶ 6); and

WHEREAS, the stipulated judgment also provided that "[t]he Court will retain jurisdiction of this matter pursuant to Code of Civil Procedure § 664.6 for ten years from the entry of this judgment, or until the District's Board of Trustees adopts a resolution to

implement 'district-based elections' within the meaning of Elections Code § 14026(b), whichever is earliest" (Stipulated Judgment ¶ 14); and

WHEREAS, the District has acted in good faith to implement the terms of the settlement, including cumulative voting, and has fully complied with its obligations under the stipulated judgment; and

WHEREAS, new information, obtained in the time since the District agreed to implement cumulative voting has called into question the feasibility and cost-effectiveness of conducting elections using a cumulative voting system; and

WHEREAS, all of the local school districts in the Santa Clarita Valley have moved to trustee area elections; and

WHEREAS, The Los Angeles County Board of Supervisors has made a policy change regarding the circumstances in which it will approve consolidation of local elections with the statewide general election run by the County in November of even-numbered years; and

WHEREAS, consistent with the Board of Supervisors' new policy, the Los Angeles County Registrar-Recorder has expressed an ability and a willingness to conduct a consolidated election on behalf of the District in November 2016 but cannot do so with cumulative voting; and

WHEREAS, a consolidated election with the County in November 2016 would strengthen voter participation in the SCCC election; and

WHEREAS, the Secretary of State has recently indicated that the use of a cumulative voting system would need to be certified by his office, and thus would make it difficult to implement such a system consistent with the timeline required for the November 2016 election; and

WHEREAS, by-trustee area electoral systems, *i.e.*, elections in which "one or more members residing in each trustee area are elected by the registered voters of that particular trustee area[.]" Cal. Elec. Code § 5030(b), are not currently vulnerable to challenge under the CVRA; and

WHEREAS, Education Code § 72036 authorizes community college districts to adopt trustee area elections with the approval of the Board of Governors of the California Community Colleges ("Board of Governors");

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Resolution to Move to By-Trustee Area Elections. By this resolution, the Board of Trustees hereby resolves to apply to the Board of Governors, pursuant to Education Code § 72036, to approve a change in the method of electing members of the Santa Clarita CCD's Board from "at-large" elections, Cal. Educ. Code § 5030(a), to "by-trustee area" elections, Cal. Elec. Code § 5030(b), to be implemented in time for the District's November 2016 Board of Trustees elections and thereafter.

Section 3. Process to Adopt Trustee Areas to Submit to Board of Governors. The Board of Trustees hereby resolves to adopt a trustee area boundary plan for submission to the Board of Governors in connection with its application, as set forth more fully herein, and instructs District staff and the District's special redistricting counsel and demographic consultant to prepare sample trustee area plans for the Board to consider, for adoption by the Board and approval by the Board of Governors.

Section 4. Approval of Tentative Timeline for Districting Process. The Board hereby approves the tentative timeline contained in Exhibit A hereto, and incorporated herein by this reference, for conducting a public process to solicit public input and testimony on the proposed trustee area plans before adopting any such plan for approval of the Board of Governors, and instructs District staff to provide notice of three public hearings in accordance with the provisions of the Elections Code and Government Code. This timeline shall be subject to adjustment by the Board or the Chancellor as deemed necessary, provided that such adjustments shall not prevent the District from meeting its goal of finalizing the move to by-trustee area elections in time for the November 2016 elections.

Section 5. Repeal of Prior Approval of Cumulative Voting. Section 2 of Resolution No. 2014/15-14 is hereby repealed.

Section 6. Request for the County of Los Angeles to Consolidate District Elections. The Board hereby determines to renew its request to the County Board of Supervisors that the County agree to conduct the District's future elections, in November of even years, without cumulative voting. The Chancellor will forward this resolution to the Los Angeles County Board of Supervisors, explaining the rationale for the resolution and requesting formal approval for the Los Angeles County Registrar to conduct elections for the District's Board of Trustees, in November of even years.

Section 7. Withdrawal of Request for Waiver. Section 2 of Resolution No. 2014/15-16 is hereby repealed.

Section 8. Amendment of Board Policy BP 2010 (Board Membership). Board Policy BP 2010 (Board Membership) is hereby amended to read as shown in Exhibit B hereto.

Section 9. Amendment of Board Policy BP 2100 (Board Elections). Board Policy BP 2100 (Board Elections) is hereby amended to read as shown in Exhibit C hereto.

Section 10. Amendment of Administrative Procedure AP 2100 (Board Elections). Board Administrative Procedure AP 2100 (Board Elections) is hereby amended to read as shown in Exhibit D hereto.

Section 11. Delegation of Authority. That the District's Governing Board hereby approves the delegation of authority and appoints its Chancellor or Chancellor's designee, who is hereby authorized and directed, pursuant to a vote of the Governing Board to take all necessary steps to carry out the intent of this Resolution.

Section 12. Notification of Other Affected Agencies. The Chancellor or her designee shall send a copy of this Resolution to the Board of Governors, the Los Angeles County Superintendent of Education, the State Board of Education, and the Los Angeles County Registrar of Voters.

Section 13. Effective Date. Sections 5, 7, 8, 9 and 10 herein shall become effective upon the approval of the Board of Governors, pursuant to Education Code § 72036, of a change in the method of electing members of the Santa Clarita CCD's Board from "at-large" elections, Cal. Educ. Code § 5030(a), to "by-trustee area" elections, Cal. Elec. Code § 5030(b). The remaining sections of this Resolution shall be effective as of date of the adoption of this Resolution until otherwise rescinded by the Governing Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 23rd day of September, 2015, by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAINED:	<u>0</u>

I, MICHELE JENKINS, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Michele R. Jenkins
President of the Board of Trustees
Santa Clarita Community College District

I, STEVE ZIMMER, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 23rd day of September, 2015, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 23rd day of SEPT, 2015.

Steve Zimmer
Clerk of the Board of Trustees
Santa Clarita Community College District

EXHIBIT A

**TENTATIVE TIMELINE FOR SUBMISSION OF “BY-DISTRICT” ELECTION
METHOD TO THE BOARD OF GOVERNORS OF THE CALIFORNIA
COMMUNITY COLLEGE DISTRICTS
[CALIFORNIA EDUCATION CODE §§ 5030, 72036]**

DATE	ACTION
Sept. 23, 2015 Board Meeting	<p>Board considers whether to begin the process of implementing “by-area” elections for November 2016, by submitting a change of election method to the Board of Governors of the Community College Districts (“BOG”)</p> <p>If a decision is made to move to trustee areas, the Board:</p> <ol style="list-style-type: none">1. adopts a resolution to: initiate the process and to approve tentative timeline for districting process; renew the District’s request to the County Board of Supervisors to consolidate election in November 2016; withdraw the District’s prior approval of cumulative voting and waiver application concerning same, contingent on approval of trustee areas by the BOG;2. receives a presentation by special redistricting counsel regarding legal considerations and appropriate policy criteria governing districting, and by demographic consultant regarding District demographics; and3. solicits public input regarding appropriate criteria and adopts a resolution establishing criteria to guide the districting process
As soon as possible after Sept. 23 meeting	Transmit request for consolidation in November 2016 to Board of Supervisors and other affected agencies
Oct. 2, 2015	Notice of first public hearing regarding draft plans published in newspaper of general circulation and posted at Administration Building and three other public locations
Oct. 6, 2015	Initial draft trustee area plans to be made publicly available

DATE	ACTION
Oct. 9, 2015	Notice of second public hearing regarding draft plans published in newspaper of general circulation and posted at Administration Building and three other public locations
Oct. 13, 2015 Board Meeting (Valencia Campus)	Demographic consultant to present initial draft trustee area plans; Board holds first public hearing on draft plans; Board may request modifications to any of the plans
Oct. 21, 2015 Board Meeting (Canyon Country Campus)	Board holds second public hearing on draft plans; Board may order further modifications to any of the plans
Oct. 23, 2015	Notice of third public hearing regarding draft plans published in newspaper of general circulation and posted at Administration Building and three other public locations
Nov. 4, 2015 Special Board Meeting (Newhall Community Center)	Board holds third public hearing on draft plans, votes to adopt trustee area plan for submission to BOG. If Board orders further modifications, another public hearing will be required.
Nov. 5, 2015	Administration and counsel take necessary steps to file application with BOG immediately upon approval by Board of Trustees
Jan. – Feb. 2016	Proceedings before the BOG
Nov. 8, 2016	First election using new by-trustee area election plan

EXHIBIT B

BP 2010 Board Membership

Reference:

Education Code Sections 5030(b) and 72036

The Board shall consist of five members elected by the qualified voters of the District. Members shall be elected in "by-trustee area" elections, defined as elections in which "one or more members residing in each trustee area are elected by the registered voters of that particular trustee area[.]" Cal. Elec. Code § 5030(b).

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the district may not be sworn into office as an elected or appointed member of the governing board unless he or she resigns as an employee.

No member of the governing board shall, during the term for which he or she is elected, hold an incompatible office.

Approved ###/###/##

EXHIBIT C

BP 2100 Board Elections

Reference:

Education Code Sections 5015.7, 5030(b) and 72036; Stipulated Judgment, *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014)

The term of office of each trustee shall be four years, commencing on the first Board meeting in December following the general election in November. Elections shall be held every two years, in even-numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

Each trustee shall be elected in "by-trustee area" elections, defined as elections in which "one or more members residing in each trustee area are elected by the registered voters of that particular trustee area[.]" Cal. Elec. Code § 5030(b).

If any candidate for the Board of Trustees pays to have a candidate statement placed in the ballot pamphlet, the District will pay the costs of having that statement translated into Spanish and placed in the ballot pamphlet.

In the Spring of each election year, the District will host information sessions for persons interested in becoming candidates for the Board, to provide information about the election process and the role of the District's trustees.

As permitted by law, the District will conduct voter registration drives on its campuses, and implement programs on its campuses to facilitate vote-by-mail voting.

The District will reasonably make its facilities available to the County of Los Angeles for use as polling places, to help facilitate polling place voting.

Approved #####

EXHIBIT D

AP 2100 Board Elections

Reference: Education Code Sections 5015.7, 5030(b) and 72036; Stipulated Judgment, Soliz v. Santa Clarita Community College District, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014)

The Secretary to the Board of Trustees will maintain a list of the current incumbents, and the date of the next regular election. Immediately upon the certification of election of a new Board member, the list will be updated and made public.

Approved #####